



BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

Tuesday, December 27, 2011

SUBJECT: Special Review #323 – Big Sky Steel – 1430 Lockwood Road
THROUGH: Candi Beaudry, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

REQUEST

This is a special review application to allow the location of a new scrap and waste material recycling, processing and storage of salvage in a Controlled Industrial (CI) zone. The 11.96 acre parcel is located at 1430 Lockwood Road on the former Knife River Maintenance facility and storage yard located north of I-90. The legal description is Tract 1 and 2A of Certificate of Survey 2595 and the property owner is Transport, Inc and the agents are Joel Long and Lane Basso of Stratus Consulting. The County Zoning Commission conducted a public hearing on December 12, 2011, and is forwarding a recommendation of conditional approval on a 4-0 vote.

APPLICATION DATA

OWNERS:	Transport, Inc.
AGENTS:	Joel Long and Lane Basso
LEGAL DESCRIPTION:	Tract 1 and 2A, C/S 2595
ADDRESS:	1430 Lockwood
CURRENT ZONING:	CI
EXISTING LAND USE:	Vacant except for 10,000 square feet of shop area leased to Timec, Inc.
PROPOSED LAND USE:	New scrap processing yard and recycling facility
SIZE OF PARCEL:	11.96 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Surrounding Property

Special Review #101 – 532 Klenck Lane – Waste Oil Recycling – Withdrawn on October 10, 1980

Special Review #240 – 1200 Lockwood Road – Wireless Tower to 100 feet - Conditionally approved on March 24, 1998

Special Review #260 – 1127 N Frontage Road – Electrical Generation – Conditionally approved on July 25, 2000

Special Review 304 – 1090 Island Park Road – Copart, Inc. - Auto wrecking facility – Conditionally approved January 26, 2006

Zone Change #595 – 1524 Lockwood Road – Aspen Air – A zone change from CI to Heavy Industrial (HI) was approved on November 6, 2006

SURROUNDING LAND USE & ZONING

NORTH:	Zoning:	CI
	Land Use:	Railroad, vacant and industrial uses
SOUTH:	Zoning:	CI
	Land Use:	Industrial uses, Interstate 90
EAST:	Zoning:	HI
	Land Use:	Aspen Air
WEST:	Zoning:	CI
	Land Use:	Lumber Yard Supply

REASONS

The applicant is requesting a special review to allow the location of a new scrap processing and recycling facility. These uses require special review approval when located in a Controlled Industrial (CI) zone. Big Sky Steel, currently located at 3425 1st Avenue South, is considering moving the operation to a property that is not leased space. The current area is restricted by the railroad lease area available. Expansion at the current location is not possible. The subject parcel has been developed and used in the past by Knife River and a 10,000 square foot shop area is leased to another business, Timec, Inc. The property may be partially within the Yellowstone River flood plain (Attachment C). Any new construction may require review for compliance with Yellowstone County flood plain regulations. No new construction is planned. The Lockwood Water and Sewer District relayed information of an existing chromium spill on site and the property owner is actively remediating this spill. The property does have Lockwood water and sewer service. Special operating procedures may be necessary for Big Sky Steel to accommodate the active cleanup and to prevent future accidental spills. The site plan does not indicate where storage and processing will occur but it will likely be throughout the existing buildings and storage yard area. Scrap processors and salvage recyclers in general are required to shield storage piles from the adjacent right of way. The Montana Department of Environmental Quality will also need to license the facility. The facility will need to meet the requirements for scrap processing and recycling facilities.

Lockwood Road is a commercial street and carries approximately 2,500 vehicle trips per day. Speed limits at this location are reduced since it is not an arterial or collector street. Lockwood Road ends east of this location at the intersection of Exxon Mobil Road. The entry and exit driveways on to Lockwood Road will not be relocated. Similar truck traffic is on this portion of Lockwood Road on a regular basis.

The Planning Division has processed one recent request in the County - Special Review #322 – however this application is not similar in nature. Big Sky Steel is not processing junk or wrecked vehicles and does not use shredding machinery. There are three listed scrap yards in the Billings area and all pre-date the current zoning (1973). The Planning staff received one point of information from Lockwood Water and Sewer concerning this site (chromium spill) but other agencies have not provided further comment. Storm water management would be approved through MT Department of Environmental Quality.

Planning staff reviewed the application and recommended conditional approval. The Zoning Commission concurred with this recommendation. There are several industrial users in the area as well as some intense commercial uses to the west. The closest residential use is 875 feet to the south and east at 1617 North Frontage Road (Attachment A). Another residence is located at 1249 N Frontage Road approximately 1,800 feet to the south and west. A small mobile home park is located over 2,000 feet to the west, but this mobile home park is adjacent to the Copart auto wrecking salvage yard. No surrounding property owners submitted written testimony and the Planning staff did not receive any calls from surrounding owners.

Special review uses must meet three primary criteria; 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria in so far that it is within a zoning district where scrap processing and recycling facilities may be allowed by special review approval.

The application also conforms to the second and third criteria. The zoning regulations adopted by the Board of County Commissioners have designated only two zoning districts where scrap processing and recycling facilities may be allowed by special review approval – CI and Heavy Industrial (HI). The CI zone is intended to accommodate a variety of business, warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial centers of the city and county. This area of the County has been zoned CI or HI since 1973 and has developed for a variety of industrial uses – auto salvage, auto repair, lumber and truss building, heavy truck repair, oil refining, ancillary business, and chemical processing and shipping.

The 2008 Growth Policy encourages new development that is compatible and similar in form and use. The existing uses in the area and the previous use of the property by Knife River for a maintenance and truck repair facility are compatible with the proposed use. There are two residential uses in the immediate area and both are along North Frontage Road which is bordered by Interstate 90. North Frontage Road is a minor arterial. There are no uses in the immediate area that are not compatible with this use. Planning staff is recommending several conditions to mitigate any potential impacts to traffic and visual resources.

The Zoning Commission reviewed this application, held a public hearing, and is forwarding a recommendation of conditional approval on a 4-0 vote.

ZONING COMMISSION HEARING AND DISCUSSION

The Zoning Commission held a public hearing on December 12, 2011, regarding this application. The applicant's agent, Lane Basso, and Richard Rice, the owner of Big Sky Steel currently located at 3425 1st Avenue South in Billings, provided testimony to the Zoning Commission. No other persons testified at the hearing.

Mr. Rice stated his current location does not allow for any expansion of his business as it is a railroad lease property. He intends to expand his business and the proposed location meets all the needs for his expansion. He stated he plans to hire additional workers for the new location. Mr. Rice stated a rail spur and a baling and shearing machine will be added at a future time. He stated he has a pending auto wrecking license for his current location on 1st Avenue South, but he will apply for a license at the new site if this is approved by special review.

Mr. Lane Basso stated this site is a good use of a vacant industrial site. He stated the use will fit with the area and move Big Sky Steel out of an existing residential neighborhood. He stated this site is closer to the interstate and will have good rail access. He stated the project is positive for both the property owner and Big Sky Steel.

County Zoning Commission Discussion:

The County Zoning Commission closed the public hearing and discussed the application. Zoning Commission Chair Dennis Cook stated that this application will go to the Board of County Commissioner on December 27th, 2011, and that anyone wishing to participate in that public hearing is welcome to do so.

Commission member Joan Hurdle made a motion to recommend conditional approval of the application and this was seconded by member Dan Austin. Commission member Ole Shafer stated he did have a small concern about the storage piles close to the interstate but recognizes these will not have a large impact given the industrial nature of the area. Commission member Dan Austin stated he visited the location and this property appears to be appropriate for the use. The Zoning Commission concurred with the proposed conditions and voted 4 in favor and none opposed to the motion.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of conditional approval on a 4-0 vote.

CONDITIONS

1. The approval shall be limited to Tracts 1 & 2A of C/S 2595 generally located at 1430 Lockwood Road.
2. This special review approval is for the location of a new scrap processing and recycling facility with an office and associated parking. The location may include facilities to shear, bale and process all types of recyclable materials included in Standard Industrial Classification 5093 except for waste oil. No other special review use is intended or implied by this approval.
3. The development of the lot shall be in substantial conformance with the submitted site plan of December 9, 2011. No new buildings are planned.
4. The existing 7-foot chain-link perimeter fence will be modified to a sight obscuring fence wherever scrap storage pile(s) might be visible from Lockwood Road. This sight obscuring feature may be the existing chain-link fence with opaque inserts. All gates must also be made of sight-obscuring materials. All sight-obscuring fence materials must be non-reflective material.

5. No scrap storage pile outside of an enclosed building will exceed the height of the adjacent or nearest perimeter fence unless located 50 feet or more from such perimeter fence or behind an existing structure that blocks the view of the storage pile from Lockwood Road. No scrap storage pile outside of an enclosed building shall exceed 35 feet in height regardless of its location on the site.
6. All new exterior lighting shall have full cut-off shields so light is directed to the ground and not on to adjacent property. No part of the lens, fixture or light element will project below the light shield.
7. All areas to be used for regular vehicular traffic including any area around an office building, drop off area, and parking areas for customers will be paved with asphalt or cement. Other areas of the site need not be paved.
8. Unpaved portions of the site will have dust control on a routine basis.
9. The proposed development shall comply with all other limitations of Sec. 27-613 concerning special review uses.
10. Within 36 months of special review approval, the applicant shall submit a zoning compliance permit and receive approval of such permit from the Planning Division.
11. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, zoning compliance permit, sign permit, or fence permit. Compliance with all applicable local codes will be reviewed at the zoning compliance permit level.

BOARD OF COUNTY COMMISSION ACTION

The Board of County Commissioners may do the following when acting on a Special Review application:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Before approving a special review use, the Board of County Commissioners shall find that the contemplated use:

1. Complies with all requirements of this Resolution;
2. Is consistent with the objectives and purposes of the County Zoning Regulations and the Growth Policy;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Board of County Commissioners shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting;
8. Noise, vibration, air pollution and similar environmental influences.

The proposed use fits with the existing commercial land uses on neighboring properties in the area. The proposed land use complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy.

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns.

Approval of this special review is consistent with neighboring properties. There are two residential uses – 1 at 875 feet to the south and east and 1 at 1,800 feet to the south and west. There should be no impact to these residential uses. Lockwood is a commercial street and carries about 2,500 vehicle trips per day and has the capacity to handle any new traffic from this use. Compliance with the conditions of approval will ensure compatibility with the neighborhood.

- Goal: New developments that are sensitive to and compatible with the character of existing neighborhoods.

The proposed use is consistent with the surrounding industrial developments and consistent with the zoning. The lot is large enough to accommodate the facility. The area is not within the annexation limits of the city but has all public services including water and sewer.

ATTACHMENTS

Attachment A: Zoning Map

Attachment B: Site Plan

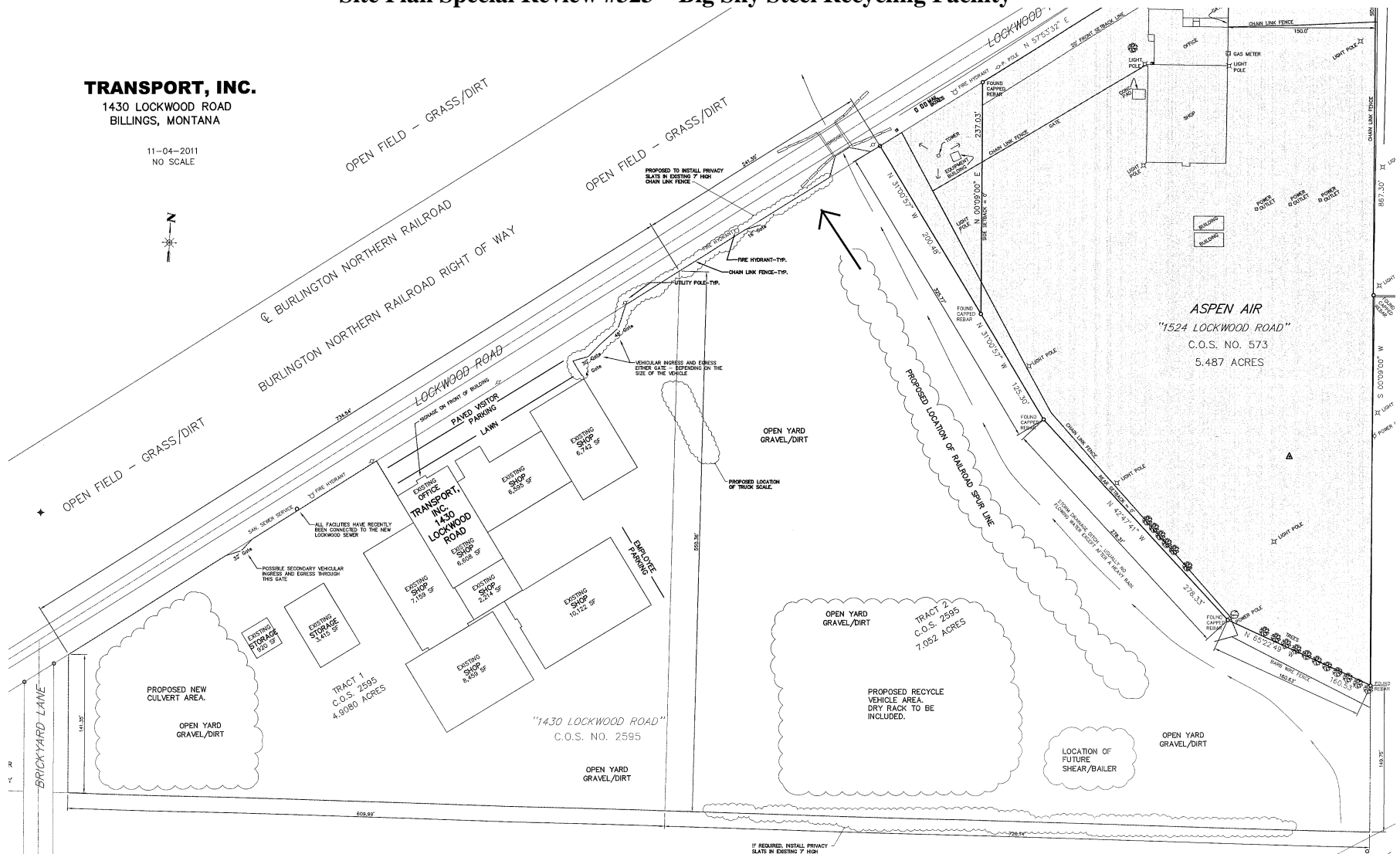
Attachment C: Site Photos

Attachment D: Applicant's Letter and exhibits

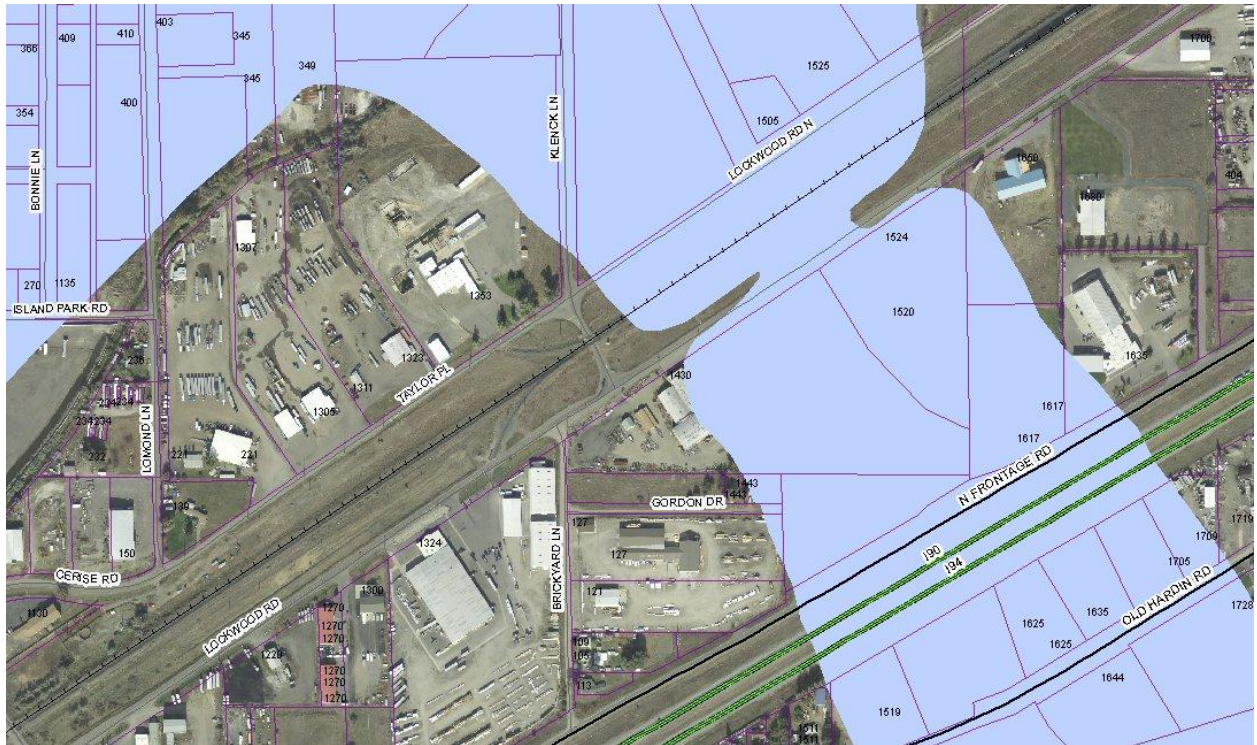
Attachment B **Site Plan Special Review #323 – Big Sky Steel Recycling Facility**

TRANSPORT, INC.
 1430 LOCKWOOD ROAD
 BILLINGS, MONTANA

11-04-2011
 NO SCALE



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Aerial with Flood Plain shown



Existing Big Sky Steel at 3425 1st Avenue South



Existing Site from Lockwood Road



View west on Lockwood Road



View north and west on Lockwood Road



View east on Lockwood Road

Attachment D
Applicant's Letter Special Review #323 – Big Sky Steel Recycling Facility

Attachment B

A. In what ways is the proposal consistent with the goals and policies of the adopted Growth Policy?

Land Use Element

Goal #1: This proposal is consistent with the neighborhood character and land use patterns:
This proposal is in accordance with current surrounding land use including Aspen Air to the north and the Lumber Yard Supply Company to the south and matches the zoning for the area in general.

Goal #2: New developments that are sensitive to and compatible with the character of adjacent neighborhoods and county town sites.

This proposal will convert the now vacant land and buildings to be occupied and developed as a going concern business and will improve the look and feel of the area in general.

Economic Development Element

Goal #1: Coordinated economic development efforts that target business recruitment, retention and expansion.

This proposal will create approximately ten new jobs in two to three years with above average wages. These jobs will be created in addition to the present staff of Big Sky Steel. This location allows Big Sky Steel to further develop its steel wholesale business as well as it's scrap and salvage business whereas expansion is severally limited at its present site at 3425 1st Avenue South which is leased from Montana Rail Link. The expansion of the Business, which is locally owned, allows Big Sky Steel to better provide services and product to residents and businesses in Billings and the surrounding area.

This proposal also allows Big Sky Steel to relocate from a neighborhood that is more residential in nature to one that is predominantly industrial.

Transportation Element:

Goal #2: Efficient cross-town and in-town traffic.

This proposal will further minimize traffic through south Billings which is more residential and transfer to an area which is industrial and has more direct access to the Interstate.

Natural Resources:

Goal #6: Protection of ground water, riparian areas, air quality and productive agricultural land.

Big Sky Steel operates in accordance with all Federal, State and EPA standards and are committed to incorporating the sound practices started by the Mr. Joel Long and Transport Inc. to improve the site through the cleanup efforts regarding some environmental issues created many years ago. They are also in the process of connecting to the Lockwood sewer and water.

B. Why is there a need for the intended use of the property at this location?

Big Sky steel needs additional space including yard and buildings to process salvage including ferrous and non-ferrous metals and to allow the Business to operate as efficiently as possible. Additionally, they need additional space to operate and grow their new metals, tools and supply business.

C. How will the public interest be served if this application is approved?

Big Sky Steel can further grow and develop the business in this setting which is significantly superior to their present location thereby enabling the Business to add significantly to their employment base and operate from a more secure and safer environment. Additionally, the Business can relocate from a more residential area to one that is more industrial thereby better fitting the Business with more like kind businesses. Relocation also allows the business closer and better access to the Interstate and eliminates more of the traffic from a mixed commercial and residential area.

D. Prepare a written statement addressing what is intended to be done with the property, including construction or changes in the use of the property, and why a special review is being sought.

Big Sky Steel's intended use of this property is to provide customers from Billings and the surrounding area with a location that is larger and more functional from a safety and security perspective as well as provide better access to the Interstate. The larger site allows for growth and development of the Business to help it meet its goals and objectives to successfully grow the Business. There are no immediate construction plans for the site and improvements except for general cleanup and maintenance.

The Controlled Industrial zone allows for metal recycling by special review approval and is classified in Division F-WholesaleTrade-SIC 5093-Scrap Processing.



View of Subject property. Looking South.



Looking south from Lockwood Road



Entrance from Lockwood Road



Administrative building



View of subject property from intersection of
Lockwood Road and Brickyard Ln.



View of east boundary of property
from intersection of Brickyard Ln and
Gordon Drive